IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.379 OF 2007

Kamlesh Kewat ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Ms.Anjali Iyer and Raman Jaybhaye with
Vinod Wagh Advocate for Applicant
Mr.K.V.Saste A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 13, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.144 of 2006 of Dadar Police Station. The said case is under Section 302 of IPC.

3. Admittedly, there is no eye witness to the incident who implicates the present applicant. There are two circumstances relied upon by the prosecution in respect of the applicant. The first circumstance is that knife has been recovered,

however, the said knife did not have any blood stains. Hence, in my view, this circumstance does not connect the applicant with the crime. The second circumstance is that two eye witnesses have stated that present applicant was making enquiry with them about the deceased who is his cousin. These witnesses have stated that the applicant was calling the deceased. After the deceased left the house, he was found to have been murdered. The said circumstance, prima facie in my view, is not enough to connect the applicant with the crime. In this view of the matter, I am inclined to grant bail to the applicant.

4. The applicant to be released on bail in the sum of Rs.30,000/- (Rs.thirty thousand only) with one or two sureties to make up the said amount in C.R.No.144 of 2006 of Dadar Police Station. The sureties shall be local sureties. The applicant shall report to the concerned Police Station twice in a week i.e. on every Monday and Thursday till the conclusion of trial.

5. Application is disposed of.

[Smt. V.K.Tahilramani, J.]